

State of California
Department of Fish and Wildlife

Memorandum

Date: October 5, 2015

To: Sherilyn Sarb
Senior Deputy Director
California Coastal Commission
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302

From: Edmund Pert *E.P.*
Regional Manager
South Coast Region
California Department of Fish and Wildlife

Subject: Newport Banning Ranch, LLC

The Department of Fish and Wildlife (Department) has reviewed the September 25, 2015 memo authored by Coastal Commission Ecologist, Dr. Jonna Engel, Ph.D., regarding Environmentally Sensitive Habitat Area (ESHA) and wetland determination for the Banning Ranch property (Property), Orange County. The Department concurs with Dr. Engel's conclusions that the Property supports high ecological importance and agrees with the ESHA recommendations for the following reasons:

- The Property contains a vernal pool complex containing plants and animals endemic to vernal pools, including the federally endangered San Diego fairy shrimp (*Branchinecta sandiegonensis*). The Department considers vernal pools and the San Diego fairy shrimp to be very rare (S2)¹. The vernal pools may also support rare or listed plant species, surveys should be conducted at the appropriate time to capture these species. The Department concurs with Dr. Engel's conclusion that these vernal pools are naturally occurring on the Property given the appropriate Myford soils (Myford soils support vernal pools at nearby City of Costa Mesa's Fairview Park), the number of species found on the Property's pools that are endemic to vernal pools, and historical aerial photos that depict mima mounds on the Property.
 - The Department recommends all 39 vernal pools be delineated as ESHA. The ESHA should include the entire watershed for each pool or a 100-foot buffer (whichever is greater).
 - The Department recommends surveys for western spadefoot toad (*Spea hammondi*), a California Species of Special Concern (SOC), to determine presence. If spadefoot toad is present, the Department recommends conserving migration corridors between pools and establishing a 950-foot buffer around each pool. This buffer represents the documented median distance commonly used in the life cycle of the spadefoot toad².

¹ S2: Imperiled – At high risk of extinction due to very restricted range, very few populations (often 20 or fewer) steep declines, or other factors.

² Hunt, Lawrence. "Summary Movements of Western Spadefoot 22feb2013". Message to Scott Harris. February 22, 2013 email.

- Despite repeated disturbance on the Property, it persists as lowland and upland mesa habitat which continues to support sensitive plant and animal species.
- The Property supports southern coastal bluff scrub and maritime succulent scrub habitat, which the Department has ranked S1, or extremely rare³ and at a very high risk of extinction. This habitat type is extremely limited in distribution throughout the State and Southern California and is in need of conservation.
- The Property supports purple needle grass grassland, which the Department has ranked as S3, or rare habitat⁴. Purple needle grass grassland has been extirpated from 95 percent of the range it once occupied⁵ and is foraging habitat for burrowing owls, a California Species of Special Concern, found on the Property.
- The Property has supported coastal California gnatcatcher (*Poliophtila californica californica*), a SOC. U.S. Fish and Wildlife Service designated the entire Property as Critical Habitat for gnatcatcher. The Department considers the Property very valuable in the recovery of gnatcatcher and recommends conservation of the coastal scrub habitat on the Property with a minimum 100-foot buffer.
- The Project supports wintering burrowing owls (*Athene cunicularia*) a SOC and state-identified as rare (S3), which has been virtually extirpated from its range in Orange County⁶. The Department recommends a 50-meter buffer be established around the documented wintering and migrant owl habitat⁷.
- The Property supports Southern Arroyo Willow Riparian Forest, which the Department considers a very rare habitat, or ranked S2⁸.

In summary, the Department agrees with the Coastal Commission's staff report conclusion that the application of the proposed ESHA, including 100-foot buffers (additional buffers for vernal pools and burrowing owls as recommended by Dr. Engel) is necessary to protect the sensitive biological resources on the Property.

If you have any questions, please contact Kelly Schmoker, M.S., Senior Environmental Scientist (Specialist) for the Habitat Conservation Planning Program at 949-581-1015 or Kelly_Schmoker@wildlife.ca.gov.

³ S1: Critically imperiled - at very high risk of extinction due to extreme rarity (often 5 or fewer populations), very steep declines, or other factors.

⁴ S3: Vulnerable, at moderate risk of extinction due to a restricted range, relatively few populations (often 80 or fewer), recent and widespread declines, or other factors.

⁵ National Park Service. 2000. Draft general management plan & environmental impact statement. Santa Monica Mountains National Recreation Area – California.

⁶ S3: Vulnerable, at moderate risk of extinction due to a restricted range, relatively few populations (often 80 or fewer), recent and widespread declines, or other factors.

⁷ California Burrowing Owl Consortium. April 1993. Burrowing Owl survey protocol and mitigation guidelines. California Department of Fish and Game. September 25, 1995. Staff Report on Burrowing Owl Mitigation.

⁸ S2: Imperiled – At high risk of extinction due to very restricted range, very few populations (often 20 or fewer) steep declines, or other factors